IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 2559 of 2007()

ST.58/2006 OF JUDICIAL FIRST CLASS MAGISTRATE COURT IV KOCHI

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REVN. PETITIONER: COMPLAINANT

M/S.SRIPATHY CHIT AND FINANCE (P)
LTD., REP. BY ITS ACCOUNTS OFFICER,
HARIDAS.A.M., ARUNDHATHI BUILDINGS, P.O.LINK ROAD,
KOCHI-682 031.

BY ADV. SRI.K.B.RAMANAND

RESPONDENTS: ACCUSED AND STATE OF KERALA

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1. SADASIVAN.K., M/S.S.S.MARKETING,
40/85, KAVITHA BUILDINGS, GOPALAPRABHU ROAD,
NEAR KAVITHA THEATRE, KOCHI-682 035.

2. STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR.

BY PUBLIC PROSECUTOR SRI.C.M.NAZAR
SRI.V.SANTHARAM
SRI.ANTO THOMAS

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P.No. 2559 of 2007

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Dated this the 27th day of November, 2007

ORDER

The revision petitioner who is the complainant in S.T.No.58/2006 on the file of Judicial First Class Magistrate Court -IV, Kochi in a prosecution under Section 138 of the Negotiable Instruments Act, 1881 involving a cheque for Rs.58,000/- challenges the order dated 18.1.07 passed by the learned Magistrate dismissing the complaint under Section 204 (4) Cr.P.C.

2. Heard both sides. It is true that there was some laches on the part of the complainant in not producing the stamped cover or remitting the process fee for issuing warrant. Strangely enough, in the address of the accused as shown in the complaint, the accused could not be served with summons necessitating the issue of warrants against him. But the very same accused has received notice in this revision where the very same address has been shown. In the light of the appearance of the respondent- accused before this Court, I do not find any reason as to why the process has to be repeated by the learned

Magistrate.

3. Accordingly the impugned order is set aside and the S.T.No.58/2006 will stand restored to file. It shall be proceeded with in accordance with law. The parties shall appear before the court below on 27.12.07 without any further notice. It shall not be necessary for the court below to issue any further notice or summons to the accused.

V. RAMKUMAR, JUDGE

sj